

## **REMARKS**

Claims 1-13 are pending in the application. It is gratefully acknowledged that Claim 11 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

The Examiner objected to Claims 1-13 based on informalities. The Examiner has rejected Claims 1-10, 12 and 13 under 35 U.S.C. §102(e) as being anticipated by Fraenkel et al. (U.S. Publication 2003/0065986).

Please amend Claims 1, 4, 8, 12 and 13 as set forth herein. No new matter has been added.

Regarding the objections to the claims, the Examiner stated that Claims 1, 4, 8, 12 and 13 are objected to based on informalities. Claims 1, 4, 8, 12 and 13 have been amended to address these informalities. Based on at least the foregoing amendments, withdrawal of the objections to Claims 1-13 is respectfully requested.

Regarding the rejection of Claims 1-10, 12 and 13 under §102(e), the Examiner alleges that Fraenkel et al. anticipates each and every feature of the claims. Applicants respectfully disagree.

Fraenkel et al. discloses a root cause analysis of server system performance degradations. The system disclosed by Fraenkel et al. is a typical application layer system that uses agents installed on end user computers. Fraenkel et al. does not teach or disclose any networking layer type systems. Each of independent Claims 1, 4, 12 and 13 recite both application layer systems (using session identifiers as correlation tags) and networking layer systems (using connection identifiers as correlation tags). Fraenkel et al. cannot anticipate the Claims of the present application.

Additionally, Fraenkel et al. exhibits many of the problems that are described in the prior art section of the present application. As being only an application layer type system none of the networking data can be collected and utilized in the determination of the client perceived response times.

Claim 1 of the present application recites combining said data from networking and application layers into a metric, wherein said data corresponding to a single web event is identified, and Claims 4, 12 and 13 recite combining said plurality of requests and said communication packets into a metric, wherein said each request and communication packet corresponding to a single event is identified.

First, these claims combine both the application layer information and the networking layer information. This provides for a more comprehensive analysis. Fraenkel et al. does not teach or disclose combining application layer and networking layer data for a comprehensive analysis.

Also, each of these claims use the correlation tags to identify a single web event. The single web event data that is identified is then used by the metric to generate comprehensive and real time user perceived response times that correspond to the single web event. Fraenkel et al. fall far short of this ability as the system disclosed by Fraenkel et al. is based on representative results generated by the agents and sent to the central processing computers.

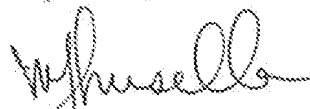
Based on at least the foregoing, withdrawal of the rejection of Claims 1-10, 12 and 13 is respectfully requested.

Independent Claims 1, 4, 12 and 13 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, and 5-10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent

claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2,3 and 5-10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Musella", with a stylized flourish extending from the end.

Michael J. Musella  
Reg. No. 39,310  
Attorney for Applicant

**THE FARRELL LAW FIRM, P.C.**  
333 Earle Ovington Boulevard, Suite 701  
Uniondale, New York 11553  
516-228-3565